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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

| | | |
|---------------------------|---|-------------------------------|
| UNITED STATES OF AMERICA, |) | Case No.: C-05-0180-LRS |
| |) | |
| Plaintiff, |) | BRIAN R. BREEN'S AFFIDAVIT IN |
| |) | SUPPORT OF MOTION FOR |
| vs. |) | DEPOSITIONS |
| |) | |
| DIXIE ELLEN RANDOCK, |) | |
| |) | |
| Defendant |) | |

Brian Breen, being first duly sworn on oath deposes and says:

1. I am not a party to this case. I am over 18 years of age and am competent to make this affidavit.

2. I am appointed by the court to act as an investigator for Dixie Randock and other defendants.

3. As a part of my duties, I traveled to Monrovia, Liberia to interview witnesses.

4. I authored a memorandum of my investigation, dated November 5, 2007. Each statement made by me contained in the memorandum

AFFIDAVIT OF BRIAN R. BREEN
IN SUPPORT OF MOTION FOR
DEPOSITIONS

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is true.

5. I hereby incorporate the memorandum of eleven pages into this affidavit and swear that it is true.


Brian R. Breen

SUBSCRIBED AND SWORN TO before me this 7th day of December, 2007.




Notary Public in and for the State of Washington, residing at Spokane. My commission expires: 12-15-08

AFFIDAVIT OF BRIAN R. BREEN
IN SUPPORT OF MOTION FOR
DEPOSITIONS

Memorandum

To: Dutch Wetzel, Pete Schweda, Richard Wall, and Tim Trageser
From: Brian R. Breen
Date: November 5, 2007
Re: Witness Interviews and Investigation in Liberia
Client: Dixie Randock

On October 18, 2007 I traveled to Liberia for the purpose of conducting a defense investigation regarding the case of US v Randock. During the course of my investigation in Liberia I attempted to contact and interview various witnesses concerning the case and was, with the assistance of the Liberian Law firm of Counselor David A. B. Jallah, able to interview the following individuals:

Dr. Isaac Roland (Former Director General, National Commission of Higher Education, Ministry of Education, Republic of Liberia)

Ambassador Prince Porte (Former Charge D' Affaires Ad Hoc, Liberian embassy Washington DC)

Abdulah K. Dunbar (Former Chief of Mission, Liberian Embassy, Washington DC)

Aaron B. Kollie (Former Chief of Mission, Liberian Embassy, Washington DC)

The Honorable Kabineh Ja'neh (Associate Supreme Court Justice for The Republic of Liberia)

The following individuals were contacted and were unavailable during the limited time I had in Liberia:

Dr. Evelyn Kandakai (Former Chairperson, National Commission of Higher Education, Ministry of Education, Republic of Liberia). Dr. Kandakai is currently the Executive Director of The Liberian Education Trust-Monrovia, located in the Forum for African Women Educationalists (FAWE) offices, YWCA Compound, Congo Town, Monrovia, Liberia.

Note: With respect to Dr. Kandakai, Cllr. Jallah feels quite confident that Dr. Kandakai will submit to an interview once he has an opportunity to discuss the situation with her in detail.

Daniel Bestman (Currently employed at The National Commission of Higher Education, Ministry of Education, Republic of Liberia)

Note: US State Department Documents (Bates # 360630), dated May 19, 2005, identify this individual as Mr. T. Daniel Jah Bestman, who was at the time of the report "Assistance and Planning Research Officer". Contacts were made with Daniel Bestman via cell phone requesting an interview, he however stated that he was not in the Monrovia area and purportedly was one or two days drive from Monrovia. Neither the Jallah Law firm, or my own investigative efforts were able to specifically establish that Bestman was in fact outside of Monrovia.

Listed below are witnesses that we were either unable to locate or time constraints did not allow for interviews during the time I was in Liberia:

Othello Siaty, Jallah Faciann, Viama Blama, Nohn Kidau, Jalla Barbu, Boima Kiaddi, Thomas Clark, Cyril Jones.

Interview Synopsis

Dr. Isaac Roland

On October 22, 2007, at 12:50 hrs. Monrovia time, I interviewed Dr. Roland at the Jallah Law Firm. Present during the course of the interview was Cllr. J. Bima Lansanah of the David Jallah Law Firm. Dr. Roland is currently a Professor at the University of Liberia.

During the course of the interview, I went over with Dr. Roland a number of documents provided in discovery. We first went over Bates#'s 360636 through 360705¹. Peter Davis, from the US State Department, forwarded these documents to the US Secret Service after a meeting he had with Abdulah Dunbar on April 21, 2006. Dr. Roland was very aware of the documents and had seen them a number of times previously. Roland confirmed that the signatures on the documents were in fact his and were signed at the time he was Director General of the National Commission of Higher Education, Ministry of Education, for the Republic of Liberia. Roland stated that he had in fact prepared and signed (Bates # 360638), which is a document identifying "Recognized Higher Education Institutions of Liberia", and includes Saint Regis University, Robertstown University, and James Monroe University. Dr. Roland further acknowledged that he had in fact ultimately prepared and signed the letter dated December 20, 2004 (Bates#'s 360653-55),

¹ Exhibit 1

which was written after the disclaimer letter of July 22, 2004. This letter, which is directed to “To All Whom It May Concern”, indicates that the disclaimer letter written by the Liberian National Commission of Higher Education “ is being misused and/or misunderstood, and that St. Regis University “ is in the process of reaccreditation”. It also points out “ the problems were caused by former Executive Director Dr. Lawrence Bestman who has been dismissed since October 14, 2003.”

I did show Dr. Roland an email he had written to Richard Novak dated Jan 3,2005, at 8:10 AM. Roland stated that he did write the email. (WAAG 04359)²

I displayed two emails written by Dr. Roland to Bob Stefaniak dated October 1, 2004 and October 6, 2004. Dr. Roland acknowledged that he had written them³.

Note: *In the email to Novak on January 3, 2005, Roland and Novak discuss “accreditation/modified draft”, as well as the need for Novak to go to Liberia after January 10, 2005, so that a meeting with the US Embassy in Liberia could be arranged. In the email to Bob Stefaniak dated October 1, 2004 Roland discusses how St. Regis was “misinformed by unscrupulous individuals” regarding the right approach to accreditation. In the email to Bob Stefaniak dated October 6, 2004 Roland opines, “ At the moment the U.S. Embassy has and continues to raise serious concerns regarding St. Regis. The embassy has expressed that the U. S. Government may likely withhold certain financial and technical support for the Ministry of Education”.*

I questioned Roland regarding the issue of the US Embassy withholding financial and technical support for the Ministry unless the St. Regis issue was resolved. Roland stated that he had learned of the threat from the Deputy Minister Siaty and there was considerable discussion at the Ministry of Education regarding the issue. Roland went on to state that the meeting held at the US Embassy in late January of 2005, was initiated by the Liberian Ministry of Education in an effort to resolve the situation and determine what the US position was. Roland stated that although there was never anything in writing concerning the US withholding money, there was considerable concern on the part of the MOE, and he wanted Novak to attend the meeting to clarify some of the issues. Roland stated that during the meeting at the US embassy the US representatives present never really clarified the issue of withholding financial and technical support.

Note: *I believe the Deputy Minister Siaty, Roland is talking about here is Othello D. Saity Sr. who had something to do with Finances at the MOE. I did not have time to run him down and try to interview him so I think he should be on the deposition list.*

² Exhibit 2

³ Exhibit 3

According to Roland there were no problems concerning St Regis, or the other Universities until after US Senator Susan Collins held hearings regarding diploma mills and then questions started to arise.

I had Roland review a letter written by Gorge Gollin to Ambassador Charles Minor dated January 18, 2005. Roland was CC'd along with Evelyn Kandakai, Christina Porche, Andrew Silski, and Nancy Keteku⁴. In part the letter states: "***A brief statement from Liberia, confirming the lack of Liberian recognition of any of the entities in the Saint Regis group and posted to the Embassy web site, will help the American authorities take action***". The letter also states: "***The announcement "Urgent Disclaimer On The Illegal Establishment And Recognition Of Higher Education Institutions In The Republic Of Liberia" posted to the Embassy web site last October had some effect.***" Roland stated that he did not specifically recall the letter but did have some recollection of a US University Professor involved in the St. Regis issue.

Dr. Roland stated that because the St. Regis people had been misled by the previous MOE administration during the Charles Taylor regime, they were not aware that two signatures were required on the accreditation documents, and based on the documents they had obtained from the Liberian government should, have reasonably believed they were accredited by the Liberian government.

Dr. Roland went on to state that after the disclaimer signed by he and Evelyn Kandakai was posted on the Embassy web site, the St. Regis people tried to resolve the situation by interacting with him and Ambassador Prince Porte. Dr. Roland did state that he visited the offices of St. Regis University in Monrovia along with Porte to establish the schools presence in Liberia. After reviewing documents, and establishing the presence, he subsequently prepared the letter dated December 20, 2004⁵. Roland stated that there was no specific documented process established by the MOE for online schools during the time St. Regis was going through this process, and to this day there is no defined policy or process for the accreditation of online universities.

Dr. Roland stated that his position is that there is a difference between Accreditation and Recognition and although St. Regis was "Recognized" they were not fully accredited, so the list of "Recognized Higher Education Institutions of

⁴ Exhibit 4

⁵ Exhibit 5

Liberia” which was posted on the Embassy web site, which he prepared and signed, was accurate⁶. (Bates # 360636).

Dr. Roland denied ever having received a bribe in any way from anyone from St. Regis University.

During the interview with Dr. Roland he said that prior to my coming to Liberia he had received copies of the investigative reports regarding this matter from a young Liberian fellow who just came up and gave them to him. I asked Dr. Roland to provide me with copies of the documents he had received prior to my leaving and he agreed to do so. I followed up with a second request via cell phone 10/23/2007, at 1:37 PM, however I did not receive the documents prior to leaving Liberia.

Ambassador Prince Porte

On October 23, 2007, at 1430 hrs. Monrovia time, I interviewed Ambassador Prince Poster at the offices of Cllr. David Jallah, and in the presence of Cllr. Bima Lansanah.

During the course of the interview, I went over with Ambassador Porte a number of documents provided in discovery. We first went over Bates#'s 360636 through 360705⁷. Peter Davis, from the US State Department, forwarded these documents to the US Secret Service after a meeting he had with Abdulah Dunbar on April 21, 2006. Porte was aware of all of the documents and confirmed that the one attributed to him (Bates # 360635)⁷ was one he prepared, reviewed, and signed. Porte also stated that there were a number of documents concerning St. Regis University that were originally drafted by Novak or the St. Regis staff that he reviewed, edited, signed and submitted during the entire St. Regis process, including the one dated February 28, 2005 to Dr. Herman at the UIUC which was in the group of documents he reviewed with me.

Ambassador Porte stated that he was assigned as Charge D' Affaires to the Liberian Embassy in Washington DC from February 1, 2004 until June 1, 2004 after Aaron Kollie had been dismissed. During that time he met Richard Novak and others representing St. Regis University and attended a dinner meeting, which

⁶ Exhibit 6

⁷ Exhibit 7

included Novak, a blonde women and her husband, Abdulah Dunbar, and Kabineh Ja'neh. Roland stated that the St. Regis people provided several documents regarding the University that indicated that the University was accredited during the Charles Taylor administration, but were having problems because of a disclaimer appearing on the Embassy web site that had been posted by Aaron Kollie indicating that the Embassy would not recognize St. Regis University. Porte, after reviewing the documents, contacted Isaac Roland who in turn provided Porte with a list of "Recognized Higher Education Institutions Of Liberia" (Bates # 360636), which included St. Regis University. Once Porte received this confirmation from Roland he submitted a memo to Ambassador Charles Minor on May 27, 2004 (Bates # 360635). At that point he felt the issue with online universities was somewhat resolved.

Porte told me that he was very aware of a conflict between Aaron Kollie and Abdulah Dunbar at the Embassy in DC, and the dispute was resolved only when Kollie was dismissed and Dunbar assigned as Charges D' Affaires.

Ambassador Porte advised me that Mrs. Stataria Cooper was responsible for the Liberian Embassy Web Site in Washington DC.

On June 2, 2004, Ambassador Porte's mission at the Liberian Embassy in DC was over and he returned to Liberia. After his return to Liberia problems began to again arise for St. Regis with respect to accreditation, and a disclaimer signed by Dr. Roland and Evelyn Kandakai appeared on the Liberian Embassy web site. Richard Novak seeking assistance contacted Porte, and Porte agreed to assist Novak through the process of accreditation, including setting up an office for St. Regis University in Monrovia. Ambassador Porte did make arrangements for various items of office furniture and computers for the office, which were paid for by Novak via wire transfer. He also made arrangements for staff and once the office was set up went with Dr. Roland to inspect the office. Ambassador Porte stated that once Dr. Roland saw the office he stated that it was better then all of the other ones he had inspected.

Ambassador Porte did identify receipts from Office and Home Super Store Inc. and A. A. Enterprises, as some of the invoices he submitted to Novak after payment was made.

Ambassador Porte stated that once his mission was complete at the Liberian Embassy in DC, there was no restriction by the Liberian government that would prohibit him from taking a position with any organization, so he accepted the

gratuity that was offered in the position with St. Regis in Monrovia. Ambassador Porte denied taking any bribes from Richard Novak or anyone associated with the St. Regis group.

Ambassador Porte reviewed the report by RSO Jon Moody from the American Embassy in Monrovia (Bates # 360626) in which Moody documents an interview with Porte on August 12, 2005. The statements made to Moody are consistent with what Prince Porte told me.

Porte told me that he did attend the meeting at the American Embassy in January of 2005 along with Novak and Isaac Roland. He further said that apparently the US Government was going to withhold money to Liberia and St. Regis was trying to get through the accreditation process, so that is why the meeting was organized. Porte stated that during the meeting the US representatives never specifically answered the question as to whether money would be withheld from Liberia if the St. Regis issue were not resolved.

During the interview with Porte he stated to me that it was his understanding that the US Senate Hearings of Susan Collins was what started all of the problems concerning St. Regis University.

Ambassador Porte specifically stated to me that based on the documents provided to St. Regis University prior to the disclaimer from the Ministry of Education, the people associated with St. Regis would have reasonably believed that the University was in fact accredited and recognized by the Liberian Government, and that even after the disclaimer based on Dr. Roland's list of "Recognized Higher Education Institutions Of Liberia", that they were at the least "Recognized".

During my interview with Prince Porte he told me that he believed that Daniel Bestman, who is still employed at the MOE, impersonated Lawrence Bestman.

At the conclusion of my interview with ambassador Porte he told me that he had demanded that the Liberian government initiate an investigation into this matter. However, there has never been an investigation. He also told me that there still is no process in place within the MOE to accredit online universities in Liberia.

Ambassador Prince Porte agreed to provide testimony in the US or via Deposition.

Abdulah K. Dunbar

On October 25, 2007, at 14:30 hrs. Monrovia time, in the offices of Cllr. David Jallah, I interviewed Mr. Abdulah K. Dunbar in the presence of Cllr. Bima Lansanah.

During my interview with Ambassador Dunbar he told me that he first met Richard Novak in 2002 when he was assigned to the Liberian Embassy in Washington DC. During that period of time the civil war was going on in Liberia and the Embassy in DC was chaotic as was the situation in Liberia. There was no funding available for the Embassy or the Staff and when Novak approached him about starting a University in Liberia Ambassador Dunbar, whose responsibility with the Embassy was to attempt to establish trade, investment, and goodwill for the country of Liberia, felt he was obligated to assist Novak in his pursuit for the good of Liberia.

Ambassador Dunbar stated that he did receive money from Novak to facilitate the accreditation process of the St. Regis University project Novak was representing, and to facilitate necessary travel to, and from Liberia to assist with the accreditation process through the Ministry of Education. Dunbar denied ever taking any bribes from Novak, and any gratuity that was offered and accepted was utilized for the administrative costs of running the Embassy in DC where a number of calls were being received regarding SRU, or for travel and other costs associated with the SRU project.

Dunbar also said that Mrs. Stataria Cooper was responsible for the Liberian Embassy web site and that the SRU people had assisted in setting up the web site, some of the money from Novak was used to maintain the web site.

Dunbar did state that the transactions between he and Novak were via cash or wire transfer, however that is the only way of doing business of any kind in Liberia.

Note: I personally can attest to this fact based on my recent experience in Liberia. All transactions are made via hand-to-hand cash in US Dollars or Liberian Currency. There is no system for credit cards, and the banks charge an exorbitant rate to cash even Travelers Checks.

Ambassador Dunbar stated that in 2003 a dispute arose over who was Charge D' Affaires at the DC Embassy, the dispute was between he and Aaron Kollie a Charles Taylor appointee. It was during this time, in September of 2003, that Kollie posted the statement disassociating the Liberian Embassy from St. Regis University on the Embassy web site. Dunbar stated that the situation in the DC Embassy was resolved when the Bryant government dismissed Kollie, and Dunbar

returned to the Embassy along with Ambassador Prince Porte who was assigned as Charge D' Affaires. Dunbar went on to tell me that he was told by US State Department Official Silski, that Ambassador Charles Minor was trying to get Dunbar out of the Liberian Embassy in DC, because Dunbar opposed the Charles Taylor Regime.

Ambassador Dunbar brought with him to the interview a bound copy of the same documents that he had provided Peter Davis during their meeting. Dunbar stated that the documents were legitimate and that it was "impossible for the St. Regis people not to think they were accredited by the Liberian Government".

During the interview Dunbar stated that he did, at Novak's request, arrange for a meeting in Washington DC that included himself, Porte, Novak, a white lady with gold hair, her husband, and Kabineh Ja'neh. The meeting was at a restaurant in DC and Novak and the other people offered to establish scholarships for Liberian students and wanted to determine what the process was for doing so. They also presented the various documents they had obtained from the MOE.

Dunbar stated that he did attend the Ghana Peace Talks in August of 2003, as a new government was going to be established, and Novak also attended the Ghana Peace Talks to pursue his St. Regis University interests.

Ambassador Dunbar told me that on a number of occasions he would receive drafts of letters from Novak regarding issues involving SRU. He would review the draft, sometimes edit the content, and if he agreed with the content would sign it and subsequently mail it using Embassy stationary. I had Dunbar review a letter sent to the State of Oregon (Bates #'s 112637-112639)⁸. Dunbar stated that it was his signature and he approved the content. He also said it was similar to others he had sent including some to a University Professor.

Ambassador Dunbar stated that all documents that were submitted to the Ministry of Education for accreditation of the SRU project were submitted directly to Boima Kiawu at the Ministry of Education for processing by the Ministry.

When I began to discuss with Ambassador Dunbar the meeting with Novak and US Secret Service Agents at the Mayflower Hotel in Washington DC, in July of 2005, Dunbar presented to me a four page letter on Embassy Of The Republic Of Liberia stationary, dated August 22, 2005, which documents his position with respect to

⁸ Exhibit 8

the undercover operation. (A copy of the document will be attached to this memo)⁹ Dunbar denied ever having solicited a bribe from Gregg Roberts or anyone else. Dunbar stated that Roberts offered to give both he and Novak \$5,000.00 as Per Diem, excluding airfare and hotel expenses in Monrovia to pursue the project that Roberts was presenting. Ambassador Dunbar told me that he provided a copy of this response to the West Africa Desk at the US State Department.

During my interview with Dunbar he stated that problems with respect to the SRU project began to develop after SRU was mentioned during US Senate hearings held by Senator Susan Collins. He went on to state that he was aware that the US government had threatened to withhold funds to Liberia if the SRU issue was not resolved, however he had no direct knowledge of how the threat was received nor was he directly aware of what took place during the meeting in Monrovia with US Embassy Officials, Novak, Porte and Roland.

Ambassador Dunbar has not been reassigned at this point and is of the belief that the lack of reassignment is due to the situation with SRU. He is therefore very emphatic that he wants to testify either in the US or via deposition in order to clear his name. Dunbar stated that he has also continually requested that an investigation into the matter be conducted into the SRU matter as well as other issues of corruption at the Liberian Embassy in Washington DC, however, no investigation has taken place.

Liberian Supreme Court Justice The Honorable Justice Kabineh Ja'neh

On October 30, 2007 at 14:45 hrs. Monrovia time, with the assistance of Cllr. David Jallah, I was granted an interview by Associate Liberian Supreme Court Justice the Honorable Kabineh Ja'neh. The interview took place at the law offices of Cllr. David Jallah. Also present during the interview were Cllr. David Jallah and Cllr. Bima Lansanah.

I was able to determine that Justice Ja'neh had some knowledge of the issues involving St. Regis University primarily as a result of an investigation he had conducted when he was the Minister of Justice for the Republic of Liberia. Associate Justice Ja'neh as a result of that investigation advised that he was responsible for shutting down St. Luke Medical College in Liberia. St. Luke Medical College was the other school mentioned in the disclaimer signed by Dr. Roland and Dr. Kandakai posted on the Liberian Embassy web site.

⁹ Exhibit 9

I advised Associate Justice Ja'neh that discovery documents provided to the defense in this case indicate that an individual named Richard Novak may testify in US Court that he had paid a bribe to Associate Justice Ja'neh. Justice Ja'neh was obviously upset with this information and vehemently denied that he had ever taken a bribe from anyone.

Associate Justice Ja'neh stated that he had in fact met Richard Novak on two occasions, the first meeting during the 2003 Ghana Peace talks when Novak introduced himself and requested that he and Justice Ja'neh be photographed together and with Abdullah Dunbar. Justice Ja'neh indicated that often people ask to be photographed with him and he thought little of it at the time.

Associate Justice Ja'neh stated that the second time he met Novak was at a restaurant in Washington DC. The Justice stated that he was in Washington DC at that time because a US citizen had sued the Liberian Government and he was there defending the government in the litigation. He was invited to a dinner where Novak, Ambassador Porte, Ambassador Dunbar, a white lady, and her husband were present. Justice Ja'neh stated that during the dinner Novak presented some documents regarding St Regis University and was talking about providing scholarships for Liberian youth. Justice Ja'neh stated that Novak wanted to provide him money for the scholarships but he explained to Novak that any arrangements for youth scholarships would have to be handled through the Liberian Ministry of Education. Justice Ja'neh indicated that he didn't perceive that Novak's scholarship offer was any kind of an attempt at a bribe. Justice Ja'neh specifically stated to me that subsequent to the dinner he did contact Dr. Isaac Roland at the Ministry of Education who informed him that St. Regis University was a legitimate recognized University with the MOE.

Justice Ja'neh advised that he had no other information regarding St. Regis University or the individuals involved with the University, nor did he at any time receive any type of payment from Novak or anyone else.

Note:

Another interesting aspect of this case is that on the same date (1/26/05) that the meeting is held in Monrovia with State Department Staff, RAIC Kevin Miller contacts Andrew Silski and Silski advises Miller " that in his opinion Ambassador Minor would be receptive to meeting in the future to discuss and disassociate his government from "Saint Regis University." " (Bates # 360520).